

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

08 Cr. 036 (JGK)

Eric Peels, :

Defendant. :

-----X

I, HUGH M. MUNDY, hereby declare under penalty of perjury,
pursuant to 28 U.S.C. §1746, that:

1. I am an attorney with the Federal Defenders of New York, Inc. and have been appointed by the Court to represent Eric Peels in this action. I make this declaration in support of a motion pursuant to Rules 12 and 41 of the Federal Rules of Criminal Procedure to suppress wiretap evidence and statements obtained from Peels by law enforcement authorities. All statements made herein are made based upon information and belief.

2. By Indictment No. 08 Cr 036(JGK), Peels is charged as a felon in possession of a firearm. A copy of the Indictment is attached hereto.

3. I make this declaration in support of Peels's motion and memorandum to suppress evidence and statements stemming from the illegal search of 3540 Decatur Avenue, Apartment 3K, in the Bronx on September 29, 2007.

4. I have reviewed the discovery materials provided by the government have concluded that the search of the residence in question was conducted without a search warrant or other justification.

5. As the police were without lawful authority to enter and search the residence in question, all evidence and statements obtained as a result of the search must be suppressed.

WHEREFORE, it is respectfully requested that this Court issue an order suppressing the evidence seized and statements made by Peels as a result of the search of 3540 Decatur Avenue, Apartment 3K, in the Bronx on September 29, 2007.

Dated: New York, NY
March 31, 2008

LEONARD F. JOY, ESQ.
Federal Defenders of New York, Inc.
Attorney for Defendant
ALEXANDER CONCEPCION
52 Duane Street - 10th Floor
New York, New York 10007
Tel.: (212) 417-8737

/s Hugh M. Mundy
HUGH M. MUNDY
Of Counsel

TO: **MICHAEL J. GARCIA, ESQ.**
United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007
Attn.: **AMY R. LESTER, ESQ.**
Assistant United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK- - - - - x
UNITED STATES OF AMERICA :INDICTMENT

- v. - :

08 Cr. :

ERIC PEELS, :

a/k/a "Darryl E. Peels," :

Defendant. :

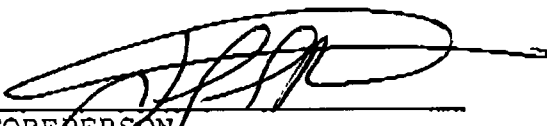

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COUNT ONE

The Grand Jury charges:

From at least on or about September 26, 2007, up to and including on or about September 29, 2007, in the Southern District of New York and elsewhere, ERIC PEELS, a/k/a "Darryl E. Peels," the defendant, unlawfully, willfully, and knowingly, after having been previously convicted in a court of a crime punishable by imprisonment for a term exceeding one year, to wit, a conviction on or about February 14, 2002, in New York Supreme Court, Bronx County, for Assault in the Second Degree, in violation of New York Penal Law 120.05(2), a Class D Felony, did possess in and affecting commerce, a firearm, to wit, a loaded Titan 25 caliber semi-automatic pistol, which previously had been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Section 922(g)(1).)


FOREPERSON
MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ERIC PEELS,
a/k/a "Darryl E. Peels,"

Defendant.

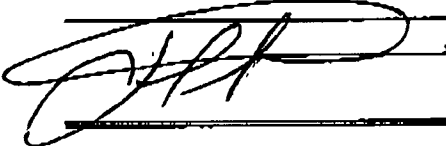
INDICTMENT

08 Cr.

(18 U.S.C. § 922(g)(1))

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL



Foreperson.
